

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/786,866

Applicant: Zhang et al.

Filed: February 24, 2004

TC/AU: 1615

Examiner: Kishore, Gollamudi S.

Docket No.: 226236

Customer No.: 23460

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR 1.97 and 1.98, the references listed on the enclosed Form PTO-1449 and/or Substitute Form PTO-1449 ("Form 1449") are submitted for consideration by the Examiner in the examination of the above-identified patent application.

The full consideration of the references in their entirety by the Examiner is respectfully requested and encouraged. Also, it is respectfully requested that the references be entered into the record of the present application and that the Examiner place his or her initials in the appropriate area on the enclosed Form 1449, thereby indicating the Examiner's consideration of each of the references.

The submission of the references listed on the Form 1449 is for the purpose of providing a complete record and is not a concession that the references listed thereon are prior art to the invention claimed in the patent application. The right is expressly reserved to establish an invention date earlier than the above-identified filing date in order to remove any reference submitted herewith as prior art should it be deemed appropriate to do so.

Further, the submission of the references is not to be taken as a concession that any reference represents art that is relevant or analogous to the claimed invention. Accordingly, the right to argue that any reference is not properly within the scope of prior art relevant to an examination of the claims in the above-identified application is also expressly reserved.

The Information Disclosure Statement is being filed:

within any one of the following time periods: (a) within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d); (b) within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 of an international application; (c) before the mailing date

of a first Office Action on the merits; or (d) before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

after (a), (b), (c) or (d) above, but before the mailing date of a final action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and includes *one* of:

the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below).
or
 the fee of \$180 set forth in 37 CFR 1.17(p) (see "Fees" below).

after the mailing date of a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, or an action that otherwise closes prosecution in the application, and on or before payment of the issue fee, and includes the Statement under 37 CFR 1.97(e) (see "Statement under 37 CFR 1.97(e)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

after the mailing date of a Notice of Allowance under 37 CFR 1.311, and on or before payment of the issue fee, and **within** thirty days of receiving each item of information contained in the Information Disclosure Statement, and includes the Statement under 37 CFR 1.704(d) (see "Statement under 37 CFR 1.704(d)" below), and the fee of \$180 as set forth in 37 CFR 1.17(p) (see "Fees" below).

NOTE: This is for original applications except applications for a design patent, filed on or after May 29, 2000, wherein a paper containing only an Information Disclosure Statement in compliance with 37 CFR 1.97 and 1.98 is being filed.

Copies of the References

Copies of all of the references listed on the enclosed Form 1449 are enclosed herewith.

Copies of U.S. patents and patent applications that are listed on the accompanying Form 1449 are not enclosed herewith. Copies of other references identified on the accompanying Form 1449 are enclosed herewith.

Attached to each reference not in the English language is a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3). An English-language equivalent/patent, or an English-language abstract, or an English-language version of the search report or action by a foreign patent office in a counterpart foreign application indicating the degree of relevance found by the foreign office is being submitted in lieu of a concise explanation of the relevance pursuant to 37 CFR 1.98(a)(3).

A copy of the foreign search report is enclosed herewith.

The references listed on the enclosed Form 1449 were previously identified in the parent application(s) of the present application, and copies of the references were furnished at that time. Accordingly, additional copies of the references are not

submitted herewith, so as not to burden the file with duplicate copies of references. The Examiner is respectfully requested to carefully review the references in accordance with the requirements set out in the Manual of Patent Examining Procedure. In accordance with 37 CFR 1.98(d), the details of the parent application(s) relied upon for an earlier filing date under 35 USC 120 in which copies of the references were previously furnished are set out below:

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATIONS	U.S. FILING DATE	PATENTED	PENDING	ABANDONED
1.				
2.				
3.				

Statement under 37 CFR 1.97(e)

- The undersigned hereby states that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- The undersigned hereby states that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

Statement under 37 CFR 1.704(d)

- The undersigned hereby states that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 CFR 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Fees

- No fee is owed by the applicant(s).
- Charge Deposit Account No. 12-1216 in the amount of \$180.00 (37 CFR 1.17(p)).
(A duplicate copy of this communication is enclosed for that purpose.)

Authorization to Charge Additional Fees

If any additional fees are owed in connection with this communication, please charge Deposit Account No. 12-1216. (A duplicate copy of this communication is enclosed for that purpose.)

Instructions as to Overpayment

Credit Account No. 12-1216.
 Refund

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Date: May 24, 2006

CERTIFICATE OF MAILING

I hereby certify that this INFORMATION DISCLOSURE STATEMENT (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: _____

Please type a plus sign (+) inside this box →

PTO/SB/08A/B (08-03)
Approved for use through 07/31/2006, OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

<p>Substitute for form 1449A/B/PTO</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(Use as many sheets as necessary)</p>				Complete if Known	
				Application Number	10/786,866
				Filing Date	February 24, 2004
				First Named Inventor	Zhang et al.
				Group Art Unit	1615
				Examiner Name	Kishore, Gollamudi S.
Sheet	1	of	5	Attorney Docket Number	226236

U.S. PATENT DOCUMENTS						
Examiner Initials ¹	Cite No.	U.S. Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Filing Date, if appropriate MM-DD-YYYY
		Document Number	Kind Code			
	AI	US- 5,424,073		06-13-1995	Rahman et al.	
	AJ	US- 5,648,090		07-15-1997	Rahman et al.	
	AK	US- 6,126,965		10-03-2000	Kasid et al.	
	AL	US- 6,146,659		11-14-2000	Rahman	
	AM	US- 6,333,314		12-25-2001	Kasid et al.	
	AN	US- 6,461,637		10-08-2002	Rahman	
	AO	US- 6,559,129		05-06-2003	Kasid et al.	
	AP	US- 2003/0035830	A1	02-20-2003	Rahman et al.	
	AQ	US- 2003/0215489	A1	11-20-2003	Kasid et al.	
	AR	US- 2003/0215492	A1	11-20-2003	Ahmad et al.	
	AS	US- 2003/0219476	A1	11-27-2003	Ahmad et al.	
	AT	US- 2003/0225023	A1	12-04-2003	Kasid et al.	
	AU	US- 2003/0226317	A1	12-11-2003	Gokhale et al.	
	AV	US- 2003/0229040	A1	12-11-2003	Kasid et al.	
	AW	US- 2004/0005603	A1	01-08-2004	Kasid et al.	
	AX	US- 2004/0082771	A1	04-29-2004	Kasid et al.	
	AY	US- 2004/0106571	A1	06-03-2004	Kasid et al.	
	AZ	US- 2004/0115714	A1	06-17-2004	Kasid et al.	
	BA	US- 2004/0248218	A1	12-09-2004	Kasid et al.	
	BB	US- 2005/0002918	A1	01-06-2005	Strauss et al.	
	BC	US- 2005/0019387	A1	01-27-2005	Rahman et al.	
	BD	US- 2005/0148528	A1	07-07-2005	Gately	
	BE	US- 2005/0153297	A1	07-14-2005	Ahmad et al.	
	BF	US- 2005/0181037	A1	08-18-2005	Ahmad et al.	
	BG	US- 2005/0202074	A1	09-15-2005	Rahman	
	BH	US- 2005/0238706	A1	10-27-2005	Ahmad et al.	

* A concise statement of relevance is being submitted in lieu of a translation. 37 CFR 1.98(a)(3).

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Examiner Signature	Date Considered
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¹EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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		Document Number	Kind Code			
BI	US- 2005/0249795		A1	11-10-2005	Zhang et al.	
BJ	US- 2005/0266068		A1	12-01-2005	Ahmad et al.	
BK	US- 2005/0277611		A1	12-15-2005	Ahmad et al.	
BL	US- 09/354,109				Kasid et al.	07-15-1999
BM	US- 09/930,283				Kasid et al.	08-16-2001
BN	US- 10/056,210				Kasid et al.	01-28-2002
BO	US- 10/239,598				Rahman	10-25-2000
BP	US- 10/680,313				Kasid et al.	10-06-2003
BQ	US- 10/786,866				Zhang et al.	02-24-2004
BR	US- 10/842,189				Strauss et al.	05-09-2004
BS	US- 11/010,158				Kasid et al.	12-10-2004
BT	US- 11/061,044				Ahmad et al.	02-18-2005
BU	US- 11/105,970				Ahmad et al.	04-14-2005
BV	US- 11/106,406				Ahmad et al.	04-14-2005
BW	US- 11/177,194				Ahmad et al.	07-08-2005
BX	US- 11/196,123				Zhang et al.	08-03-2005
BY	US- 11/201,810				Bhamidipati et al.	08-11-2005
BZ	US- 11/287,530				Jamil et al.	11-22-2005
CA	US- 60/041,192				Kasid et al.	03-21-1997
CB	US- 60/165,236				Puri et al.	11-11-1999
CC	US- 60/229,842				Puri et al.	08-31-2000
CD	US- 60/241,069				Rahman et al.	10-16-2000
CE	US- 60/247,306				Rahman et al.	11-09-2000
CF	US- 60/264,062				Kumar et al.	01-26-2001
CG	US- 60/281,779				Kasid et al.	04-06-2001
CH	US- 60/281,780				Kasid et al.	04-06-2001

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Examiner Signature		Date Considered	
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		Document Number	Kind Code			
	CI	US- 60/281,785			Kasid	04-06-2001
	CJ	US- 60/281,796			Kasid et al.	04-06-2001
	CK	US- 60/294,285			Rahman et al.	05-29-2001
	CL	US- 60/314,959			Rahman et al.	08-24-2001
	CM	US- 60/332,477			Strauss et al.	11-09-2001
	CN	US- 60/371,116			Kasid et al.	04-10-2002
	CO	US- 60/371,126			Kasid et al.	04-10-2002
	CP	US- 60/382,031			Gokhale et al.	05-22-2002
	CQ	US- 60/382,411			Gately	05-20-2002
	CR	US- 60/383,340			Ahmad et al.	05-24-2002
	CS	US- 60/384,222			Ahmad et al.	05-29-2002
	CT	US- 60/404,668			Rahman et al.	08-20-2002
	CU	US- 60/405,378			Zhang et al.	08-23-2002
	CV	US- 60/419,277			Ahmad et al.	10-16-2002
	CW	US- 60/429,285			Ahmad et al.	11-26-2002
	CX	US- 60/438,659			Ahmad et al.	01-07-2003
	CY	US- 60/444,958			Zhang et al.	02-03-2003
	CZ	US- 60/446,895			Bhamidipati et al.	02-11-2003
	DA	US- 60/457,898			Gately et al.	03-26-2003
	DB	US- 60/467,331			Ahmad et al.	05-02-2003
	DC	US- 60/472,664			Jamil et al.	05-22-2003
	DD	US- 60/480,669			Jamil et al.	06-23-2003
	DE	US- 60/495,260			Jamil et al.	08-13-2003
	DF	US- 60/514,658			Ahmad et al.	10-27-2003
	DG	US- 60/535,042			Ahmad et al.	01-07-2004
	DH	US- 60/556,843			Ahmad et al.	03-27-2004

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		Document Number	Kind Code			
	DI	US- 60/557,232			Ahmad et al.	03-29-2004
	DJ	US- 60/577,414			Hussey et al.	06-05-2004
	DK	US- 60/583,833			Ahmad et al.	06-29-2004

FOREIGN PATENT DOCUMENTS									
Examiner Initials ¹	Cite No.	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	Translation Provided?	
		Office	Number	Kind Code				Yes	No
	DL	WO	93/18751	A	09-30-1993	Georgetown University			
	DM	WO	98/43095	A	10-01-1998	Georgetown Univ.			
	DN	WO	00/01366	A	01-13-2000	NeoPharm, Inc.			
	DO	WO	01/70220	A	09-27-2001	NeoPharm, Inc.			
	DP	WO	02/32400	A	04-25-2002	NeoPharm, Inc.			
	DQ	WO	02/058622	A	08-01-2002	NeoPharm, Inc.			
	DR	WO	02/059337	C2	08-01-2002	Georgetown Univ. School of Medicine			
	DS	WO	02/081639	A	10-17-2002	Georgetown Univ.			
	DT	WO	02/081640	A	10-17-2002	Georgetown Univ.			
	DU	WO	02/081641	A	10-17-2002	Georgetown Univ.			
	DV	WO	02/081642	A	10-17-2002	Georgetown Univ.			
	DW	WO	03/018018	A	03-06-2003	NeoPharm, Inc.			
	DX	WO	03/030864	A	04-17-2003	NeoPharm, Inc.			
	DY	WO	03/039600	A	05-15-2003	NeoPharm, Inc.			
	DZ	WO	03/070221	A	08-28-2003	Georgetown Univ.			
	EA	WO	03/099213	A	12-04-2003	NeoPharm, Inc.			
	EB	WO	03/099830	A	12-04-2003	NeoPharm, Inc.			
	EC	WO	03/102011	A	12-11-2003	NeoPharm, Inc.			

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		Office	Number	Kind Code			Yes	No
ED	WO	2004/017940	A	03-04-2004	NeoPharm, Inc.			
EE	WO	2004/017944	A	03-04-2004	NeoPharm, Inc.			
EF	WO	2004/035523	A	04-29-2004	NeoPharm, Inc.			
EG	WO	2004/039817	A	05-13-2004	NeoPharm, Inc.			
EH	WO	2004/062569	A	07-29-2004	NeoPharm, Inc.			
EI	WO	2004/069224	A	08-19-2004	NeoPharm, Inc.			
EJ	WO	2004/071466	A	08-26-2004	NeoPharm, Inc.			
EK	WO	2004/087758	A	10-14-2004	NeoPharm, Inc.			
EL	WO	2005/000266	A	01-06-2005	NeoPharm, Inc.			
EM	WO	2005/000318	A	01-06-2005	NeoPharm, Inc.			
EN	WO	2005/042028	A	05-12-2005	NeoPharm, Inc.			
EO	WO	2005/067632	A	07-28-2005	NeoPharm, Inc.			

OTHER - NON PATENT LITERATURE DOCUMENTS					Translation Provided?	
Examiner Initials ¹	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number (s), publisher, city and/or country where published.				
					Yes	No

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